

**Notice of Allowability**

Application No.

09/591,026

Examiner

Fred Ferris

Applicant(s)

VANDERSTEEN ET AL.

Art Unit

2128

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 27 January 2005.
2. ☒ The allowed claim(s) is/are 11-17, now renumbered as 1-7.
3. ☒ The drawings filed on 17 July 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 10/13/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **DETAILED ACTION**

1. *This office action is in response to applicant's after final amendment filed on 27 January 2005. Applicants have now canceled claims 1-10. Claims 1-17 were previously allowed over the prior art of record.*

### **Response to Arguments**

2. *Applicants have now cancelled claims 1-10 rendering the previous rejections non-applicable. The case is now in condition for allowance.*

### **Allowable Subject Matter**

3. *Claims 11-17 have been allowed over prior art of record.*

#### **The following is an examiners statement of reasons allowance:**

Regarding claims 11-16: Claims 11-16 use "means for" language and are given deference in view of *In re Donaldson* and interpreted in view of 35 U.S.C. § 112 paragraph 6. The "means for" language and the limitations related thereto of claims 11-16 are therefor interpreted within the scope of the enablement as provided within the relative embodiment provided in applicant's specification. Specifically, applicant's "means for" language recited in independent claim 11 is interpreted as specifically disclosed within the embodiment of the specification as follows:

- means for entering a system representation: page 19, line 25 to page 20, line 10, page 22, line 10 to page 26, line 8, Figs. 6, 7, 24-26.

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- means for transforming representation into graph comprising computation nodes having scheduled rules of execution: page 26, line 10 to page 31, line 29, Figs. 24-26.
- a scheduler for scheduling execution of computation rules: page 30, line 15 to page 31, line 28, Figs. 24-26.
- means for execution of computations rules in order determined by scheduler: page 6, line 21 to page 7, line 29, page 30, line 15 to page 31, line 28, Figs. 6, 7, 24-26.

Dependent claims 12-16 are allowable as being dependent from independent claim 11.

Regarding independent claim 17: Independent claim 17 claims the associated apparatus sections (elements) for the same limitations recited above. The terms defining these elements have therefore been interpreted as defined by the specification as follows:

- entering section: page 19, line 25 to page 20, line 10, page 22, line 10 to page 26, line 8, Figs. 6, 7, 24-26.
- transforming section: page 26, line 10 to page 31, line 29, Figs. 24-26.
- scheduler for execution: page 30, line 15 to page 31, line 28, Figs. 24-26.
- execution section: page 6, line 21 to page 7, line 29, page 30, line 15 to page 31, line 28, Figs. 6, 7, 24-26.

Claim 17 is deemed novel and non-obvious over the prior art of record since the specific arrangement of these elements as defined above is not explicitly disclosed.

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*Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."*

### **Conclusion**

4. *Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Ferris whose telephone number is 571-272-3778 and whose normal working hours are 8:30am to 5:00pm Monday to Friday. Any inquiry of a general nature relating to the status of this application should be directed to the group receptionist whose telephone number is 571-272-3700. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jean Homere can be reached at 571-272-3780. The Official Fax Number is: (703) 872-9306*

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March 2, 2005

*Jean R. Homere*  
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PRIMARY EXAMINER